

DUANE MORRIS LLP

Kevin P. Potere (KP-7711)

1540 Broadway

New York, NY 10036

(212) 692-1000

Attorneys for Defendant TD Bank, N.A.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SCTA LIMITED LIABILITY COMPANY and
SSOA LIMITED LIABILITY COMPANY,

Plaintiffs,

v.

TD BANK, N.A.,

Defendant.

CIVIL ACTION NO. 1:14-cv-05249 (GBD)

**NOTICE OF TD BANK, N.A.'S
MOTION TO DISMISS**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and Declaration of Kevin P. Potere, defendant TD Bank, N.A., by and through undersigned counsel, will and hereby does move this Court before the Honorable George Daniels, United States District Judge, U.S. District Court for the Southern District of New York, Courtroom 11A, 500 Pearl Street, New York, NY 10007, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, as set forth more fully in the accompanying memorandum of law, for an Order dismissing Plaintiffs' Complaint.

Dated: August 4, 2014
New York, New York

DUANE MORRIS LLP

By: /s/ Kevin P. Potere
Kevin P. Potere (KP-7711)
1540 Broadway
New York, NY 10036-4086
Telephone: (212) 692-1876
Attorneys for Defendant TD Bank, N.A.

Of Counsel:

Alexander Bono, Esq.
Ryan E. Borneman, Esq.
DUANE MORRIS LLP
30 South 17th Street
Philadelphia, PA 19103-4196
215-979-1000

CERTIFICATE OF SERVICE

I, Kevin P. Potere, Esquire, hereby certify that on August 4, 2014 I caused a true copy of Notice of TD Bank, N.A.'s Motion to Dismiss and accompanying Memorandum of Law and Declaration of Kevin P. Potere to be served upon the following via federal express:

Stephen Latzman, Esq.
Stephen Latzman, P.C.
276 Fifth Avenue, Suite 402
New York, New York 10001

Attorney for Plaintiffs

DUANE MORRIS LLP

By: /s Kevin P. Potere
Kevin P. Potere (KP-7711)
1540 Broadway
New York, NY 10036-4086
Telephone: (212) 692-1876
Attorneys for Defendant TD Bank, N.A.